

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Before Commissioners: Pat Wood, III, Chairman;
William L. Massey, and Nora Mead Brownell.

Gulfstream Natural Gas System, L.L.C.

Docket No. RP03-409-000

ORDER ACCEPTING TARIFF SHEETS WITHOUT CONDITION

(Issued October 24, 2003)

1. On September 5, 2003, Gulfstream Natural Gas System, L.L.C. (Gulfstream) and Florida Power & Light Company (FPL) filed a joint request for a final order approving or accepting without condition Gulfstream's May 1, 2003 filing. Gulfstream and FPL state that they have resolved all of the issues that FPL raised in this proceeding, and that all other firm and interruptible shippers on the Gulfstream system either support or do not oppose the May 1, 2003 filing. Since no outstanding issues remain in this proceeding, the Commission accepts Gulfstream's revised tariff sheets¹ effective on June 1, 2003. This order benefits the public since the issues have been resolved to the satisfaction of all shippers on Gulfstream's system.

Background

2. On May 1, 2003, Gulfstream filed the revised tariff sheets in accordance with Section 23.2(a) of the General Terms and Conditions of its tariff to become effective on June 1, 2003. Gulfstream proposed, among other things, to increase the Transporter Use Percentage (TUP) from 1.27 percent to 2.0 percent and to defer any additional change until June 1, 2005, at which time Gulfstream will revise the TUP annually. The filing also proposed a deferral of the System Balancing Adjustment charge mechanism until June 1, 2005.

3. Public notice of the filing was issued on May 6, 2003. Timely interventions were filed by Florida Municipal Power Agency, Florida Power Corporation, Lakeland Electric, and Seminole Electric Cooperative, Inc. A late motion to intervene was filed by Peoples Gas System. Calpine Energy Services, L.P. filed an intervention and protest, but

¹ First Revised Sheet No. 7; Second Revised Sheet No. 164; and First Revised Sheet No. 165 to FERC Gas Tariff, Original Volume No. 1.

subsequently withdrew its protest. On May 20, 2003, FPL filed an out-of-time protest raising several objections to the May 1, 2003 filing. On May 30, 2003, the Commission accepted and suspended the revised tariff sheets to be effective on June 1, 2003, subject to refund, and subject to the outcome of a technical conference.²

4. Public notice of the technical conference was issued on July 25, 2003. Staff convened the technical conference on August 13, 2003, to address the issues raised by FPL regarding the May 1, 2003 filing. At the technical conference, Gulfstream agreed to provide certain additional data on August 29, 2003, and the parties agreed to file comments and reply comments on September 10, 2003, and September 17, 2003, respectively.

Discussion

A. Procedural Matters

5. Pursuant to Rule 214 (d) of the Commission's Rules of Practice and Procedure, 18 C.F.R. §385.214 (2003), we will grant the late intervention of Peoples Gas System because intervention at this stage of the proceeding will not disrupt this proceeding or place additional burdens on the parties.

B. Joint Request For Final Order

6. Since the technical conference, Gulfstream and FPL have held discussions in an effort to resolve the issues raised by FPL. On August 29, 2003, Gulfstream notified the Commission that it expected to resolve the issues in this proceeding, and therefore, it was not necessary to provide the information that was requested at the technical conference. On September 5, 2003, Gulfstream and FPL filed the joint request for a final order. They asserted that they have resolved all outstanding issues to their mutual satisfaction. FPL agrees that its May 20, 2003 protest is withdrawn on the condition that the May 1, 2003 filing is approved or accepted without condition or modification. Gulfstream and FPL further state that all other firm and interruptible shippers on the Gulfstream system either support or do not oppose the May 1, 2003 filing.

7. Given that no outstanding issues remain in this proceeding, the Commission now accepts Gulfstream's revised tariff sheets effective on June 1, 2003, without condition. FPL's protest is deemed withdrawn. Comments on the technical conference and the need for additional data are moot.

² Gulfstream Natural Gas System, L.L.C., 103 FERC ¶ 61,264 (2003).

The Commission orders:

(A) The referenced tariff sheets are accepted, effective June 1, 2003, without condition.

(B) Docket No. RP03-409-000 is terminated.

By the Commission.

(S E A L)

Magalie R. Salas,
Secretary.